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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,748	03/25/2004	Louis Tandle	1048 023 301 0202	5875
37211	7590	09/20/2005	EXAMINER	
BASCH & NICKERSON LLP 1777 PENFIELD ROAD PENFIELD, NY 14526			SELLS, JAMES D	
			ART UNIT	PAPER NUMBER
			1734	
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/808,748

Applicant(s)

TANDLE ET AL.

Examiner

James Sells

Art Unit

1734

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,8,9,11-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8,9,11-16 and 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-6, 8-9, 11-16 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (US Patent 5,725,140) in view of 3M Technical Bulletin (Prevention of Pressure Sensitive Adhesive Cover Tape Jamming...).

Weber discloses a tape feeder apparatus and method for its use. As shown in Figs. 1-2, the tape feeder 10 comprises feed reel 12 on which carrier tape 13 is reeled, peel blade 34 for peeling cover tape 21, guides 22, 30 and 32 and sprocket wheel 50 for intermittently advancing or driving the tape in the manner claimed by the applicant (see col. 4, lines 23-63).

However, Weber does not disclose the folding pulley as claimed by the applicant. Regarding this difference, the applicant is directed to the reference of 3M.

3M discloses a system for preventing pressure sensitive adhesive cover tape from jamming in feeders. As shown in Figs. 2-8, the system employs a plurality of folding rollers or pulleys, which longitudinally fold the edges of the tape in the manner claimed by the applicant. This system prevents balling up of the cover tape as shown in Fig. 1. In the duel roller assembly shown in Figs. 6-7, the system employs a two-wheel design in which the first wheel performs the folding of both edges at the same time. As

Art Unit: 1734

shown in Fig. 5c, the folding roller may have inwardly inclined flanges to facilitate folding of the adhesive edge.

It would have been obvious to one having ordinary skill in the art to employ a folding system, as taught by 3M, in the device of Weber, in order to prevent balling up or jamming of the adhesive cover tape. Further, it is the examiner's position that the drive and control systems claimed by the applicant are well known and conventional in the art and would have been obvious to employ in the system of Weber in view of 3M described above in order to facilitate feeding of the materials.

Regarding claim 1, applicant has employed the term "comprising". Although applicant's claimed "single folding pulley" is given patentable weight by the examiner, applicant's comprising language does not preclude additional folding pulleys as disclosed by 3M. Thus the examiner believes the above combination of Weber in view of 3M teaches applicant's claimed invention.

### ***Response to Arguments***

3. Applicant's arguments filed July 1, 2005 have been fully considered but they are not persuasive.

Applicant argues the references do not disclose a single folding pulley as claimed by the applicant. The examiner does not agree. As stated above, applicant has employed the term "comprising". Although applicant's claimed "single folding pulley" is given patentable weight by the examiner, applicant's comprising language does not preclude additional folding pulleys as disclosed by 3M. Thus the examiner believes the

Art Unit: 1734

above combination of Weber in view of 3M teaches applicant's claimed invention.

Therefore applicant's argument is believed to be incorrect in this instance.

Applicant's affidavit regarding the Hoover-Davis Operations Guide is persuasive and the reference is hereby withdrawn by the examiner.

***Allowable Subject Matter***

4. Claims 17 and 19-20 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

In a method for handling cover tape detached from pocket tape comprising folding the longitudinal edges of the cover tape inward to enclose within folded confines of the tape any residual adhesive, wherein folding the longitudinal edges inward increases the stiffness of the cover tape and monitoring the quantity of cover tape contained in the cover tape reservoir, the prior art does not teach or make obvious the concept of corrugating the folded tape as it is pushed into a cover tape reservoir in the manner claimed by the applicant.

***Telephone/Fax***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-

Art Unit: 1734

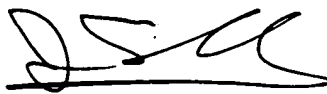
1237. The examiner can normally be reached on Monday-Friday between 9:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



**JAMES SELLS  
PRIMARY EXAMINER  
TECH. CENTER 1700**